

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of Gerald Reed

TIRC Claim No. 2011.030-R

FILED

JUN 18 2012

CASE DISPOSITION

Pursuant to 775 ILCS 40/45(c) and 2 Ill. Adm. Code 3500.385(b), it is the decision of the Commission that, by a preponderance of the evidence, there is sufficient evidence of torture to conclude the Claim is credible and merits judicial review for appropriate relief. This decision is based upon the Findings of Fact and Conclusions set forth below, as well as the supporting record attached hereto.

Findings of Fact

1. On October 3, 1990, Claimant Gerald Reed ("GR") was arrested for a double murder, and he was eventually taken to Area 3 of the Chicago Police Department.
2. At the time of GR's arrest, Jon Burge was Commander of the Detective Division at Area 3, and Michael Kill and Victor Breska were detectives working under Burge's supervision.
3. On October 4, 1990, GR was questioned at Area 3 by Kill and Breska. During the course of that questioning Breska kicked the chair out from under GR and repeatedly kicked GR in the area of his right leg and lower back. (Transcript of Proceedings dated September 17, 1992 at C22, attached as Exhibit A) GR had a metallic rod and pins in his right leg and knee as a result of an old gunshot wound, so the kicking caused him extreme pain. (Id. at C23-C24)
4. A Radiology Report dated April 25, 1991, from Cermak Health Services of the Cook County Jail, attached as Exhibit B, establishes that GR had a gunshot wound fracture of the distal 3rd of the right femur with fragments fixed with a metallic rod. The distal end of the metallic rod was broken and 2 orthopedic screws appeared to be loose.
5. After GR was beaten by Breska, he signed a confession written by an Assistant State's Attorney, which is attached as Exhibit C.
6. GR was later indicted for the murders in the Circuit Court of Cook County, Case No. 90 CR 25846.

7. Prior to trial GR filed a written motion to suppress his confession stating that he had been physically abused. GR testified at the hearing on the motion as set forth in Exhibit A. The Radiology Report attached as Exhibit B was also introduced. There was no evidence introduced at the hearing that the rod in GR's right leg had been broken before his arrest, or after he arrived at the Cook County Jail. There was no evidence introduced at the hearing that the orthopedic screws in his right leg had been loosened before his arrest, or after he arrived at the Cook County Jail.

8. Since the hearing on the motion to suppress, the following additional evidence has emerged:

a. In 1990 the Office of Professional Standards of the Chicago Police Department concluded after an internal investigation that there had been systemic abuse at Area 2 for over 10 years. The Report was not released publicly until 1992.

b. On November 12, 1991, Jon Burge was suspended, and on February 11, 1993, the Police Board of the City of Chicago separated him from his position as a Commander with the Department of Police after finding him guilty of abusing Andrew Wilson at Area 2 in 1982.

c. In 2002 Chief Cook County Criminal Court Judge Paul Biebel appointed a Special State's Attorney to investigate allegations of torture by police officers under the command of Burge at Areas 2 and 3 to determine if any criminal prosecutions were warranted. Although the 2006 Report concluded that the statute of limitations barred any criminal prosecutions, the Report found that "[t]here are many other cases which lead us to believe that the claimants were abused". (Report of the Special State's Attorney at 16) On the occasion of the Report's release, the Special State's Attorney stated that he believed the abuse was an "ongoing" practice, and had occurred in approximately half of the 148 cases which were investigated. (Remarks by Special State's Attorney on July 19, 2006, as reported in the Chicago Tribune on July 20, 2006, attached as Exhibit D)

9. At trial GR's confession was introduced against him, and he was convicted and sentenced to natural life in prison.

10. In 2005 GR again raised the coercion claim in a *pro se* Post-Conviction Petition, stating that he was beaten at Area 3 causing the rod in his leg to break. The Petition was denied on procedural grounds without reaching the merits of the claim.

11. In July, 2011, GR filed a federal civil rights complaint alleging lack of medical care in the Illinois Department of Corrections for the broken rod in his right leg, sustained when he was beaten upon the leg and back at Area 3 after his arrest. DOC medical records attached to the complaint appear to indicate that the broken rod has still not been surgically repaired.

12. TIRC records, attached as Exhibit E, indicate that Kill has an extensive history of allegations of abusing those in his custody in order to obtain confessions. Included in the cases is that of Ronald Kitchen, who was beaten into confessing but was exonerated in 2009. Also included is the case of Peter Williams, who was beaten into confessing to a crime he could not have committed because he was incarcerated at the time.

13. While Breska's history, attached as Exhibit F, is not as extensive as that of Kill, Breska is one of the detectives involved in the Eric Johnson case. In an Affidavit executed March 28, 2006, and attached as Exhibit G, Johnson states that Breska punched him in the left ribs and repeatedly slapped him in the face. Johnson was released from the Department of Corrections in 2012 after prosecutors, potentially facing a new evidentiary hearing on Johnson's claim of abuse in obtaining his confession, agreed to allow Johnson to enter an Alford plea¹ in return for a sentence of time-served.

14. Kill and Breska have pled the 5th Amendment privilege against self-incrimination when questioned about physically abusing detainees.

Conclusions

1. There is sufficient evidence to conclude by a preponderance of the evidence that GR's Claim is credible and merits judicial review for appropriate relief because:

a. Based upon the record, it is uncontested that the metallic rod in GR's right leg was broken and that the orthopedic screws appeared to be loose.

b. There is no evidence that this condition existed before GR's arrest, or that this injury happened after he arrived at the jail. In fact, the records negate the argument that it happened after he arrived at the jail because there is no mention of such an incident.

c. Thus, the only plausible explanation for the broken rod and the loose screws is the beating at Area 3 described by GR.

2. Not only is this Claim supported by the undisputed medical records, but also GR has consistently asserted this Claim beginning with the motion to suppress in 1992, and continuing with his Post-Conviction Petition in 2005, his civil rights complaint in 2011, and his Claim before the TIRC.

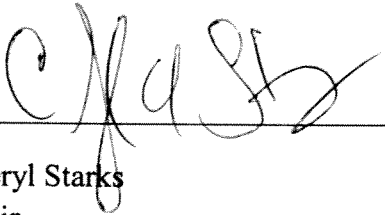
3. While the complaints of physical abuse and coercion against the accused detectives are allegations and not judicial findings, they are nevertheless relevant in deciding whether abuse

¹ In an Alford plea the defendant admits that the prosecution might be able to prove to the satisfaction of the trier of fact that he is guilty, but the defendant does not admit that he committed the offense.

occurred in a specific case. People v. Patterson, 192 Ill.2d 93, 114-15, 735 N.E.2d 616 (Ill.Sup.Ct. 2000); People v. Cannon, 293 Ill.App.3d 634, 640, 688 N.E.2d 693 (1Dist. 1997)

4. While invocation of the 5th Amendment privilege is not an admission of guilt, in a civil proceeding such as this a negative inference can be drawn from that fact. 2 Ill. Adm. Code 3500.375(g)

Dated: June 18, 2012

A handwritten signature in black ink, appearing to read "Cheryl Starks", is written over a horizontal line.

Cheryl Starks

Chair

Illinois Torture Inquiry and
Relief Commission

EXHIBIT A:

Transcripts of Proceedings dated September 17, 1992: excerpts of
testimony of Gerald Reed

1 STATE OF ILLINOIS)
2) ss
COUNTY OF C O O K)

3 IN THE CIRCUIT COURT OF COOK COUNTY
4 COUNTY DEPARTMENT - CRIMINAL DIVISION

5 THE PEOPLE OF THE)
STATE OF ILLINOIS)
6 vs.) Case No. 90 CR 25846
7 GERALD REED) Charge: MURDER

8 REPORT OF PROCEEDINGS

9 BE IT REMEMBERED that on the 17th day
10 of September, 1992, this cause came on for hearing
11 before the Honorable SHELVIN SINGER, Judge of said
12 Court, upon the information herein, the defendant
13 having entered a plea of not guilty.

14 APPEARANCES:

15 HON. JACK O'MALLEY,
State's Attorney of Cook County, by
16 MR. HARRY DEVEREUX,
Assistant State's Attorney,
17 Appeared on behalf of the People;

18 HON. RITA FRY,
Public Defender of Cook County, by
19 MS. CLAIRE HILLYARD,
Assistant Public Defender,
20 Appeared on behalf of the Defendant.

21

22

23 Kenneth Madoch
Official Court Reporter
Circuit Court of Cook County
24 County Department-Criminal Division.

1 THE COURT: Overruled.

2 A Well, the officer came bank in, the 2
3 detectives, Mike Kill and Braska and asked me did
4 I want to cooperate with them. I told them no. I
5 would like to see a lawyer. Officer Mike Kill
6 left out.

7 THE COURT: I didn't hear that.

8 A Officer Mike Kill left out, Officer
9 Detective Bricka stayed in, walked over there to
10 me, why are you not cooperating with us. I told
11 him because I haven't did anything. I would like
12 to have a lawyer here with me because anything I
13 say or do will be held against me. So --.

14 Q Did anything happen then?

15 A Officer Berka --.

16 Q The second officer? Breska?

17 A I'm sitting in a chair handcuffed to the
18 wall. Officer Breska kicked the chair from up
19 under me. Now, I'm laying on the ground. Officer
20 Breska started kicking me.

21 Q Are you sure that's his name?

22 A If I am not pronouncing his name I can
23 spell it for you.

24 Q All right. What happened then?

1 A Well he kicked me about several times
2 and I told him about --.

3 Q What did he kick you with?

4 A His feet.

5 Q And where did he kick you?

6 A In my leg and lower back.

7 Q Which leg?

8 A My right leg.

9 Q And where on your lower back, could you
10 show the Court where on your lower back?

11 A My lower back up over my belt area.

12 THE COURT: For the record the witness with
13 his right hand is showing the small of his back,
14 the small of his back.

15 MS. HILLYARD:

16 Q And what else did he do?

17 MR. DEVEREUX: Objection. Assuming he did
18 anything.

19 THE COURT: Overruled.

20 MS. HILLYARD: If anything.

21 Comma, if anything?

22 A At that time, I stated to him I have an
23 old gunshot wound and I have rods and pins in my
24 leg.

1 Q And where in your leg are these rods and
2 pins?

3 A I got pins in my right knee, lower part
4 of my knee and a rod going from my knee to my hip
5 and he kept kicking me in the center of my thigh
6 and I kept telling him that, you know, I'm hurt,
7 I'm hurt. So he finally stopped and stood back
8 towards the door, the entrance of the door so Mike
9 Kill came in --.

10 Q Just a minute. Before that, did he hit
11 you anywhere else?

12 A No, he didn't.

13 Q If he hit you, did he hit you on your
14 head or anything?

15 A No, he didn't.

16 Q All right. Then what happened?

17 A So Detective Mike Kill came in, I told
18 Mike Kill that the man has hit on me. Mike Kill
19 asked him to leave, he got to flare up so they
20 talked for a while. They left, both of them,
21 Officer Mike Kill and Officer Breska, they both
22 left.

23 So I'm sitting there to myself. So
24 about 2 or 3 minutes go by, Detective Mike Kill

EXHIBIT B:

Cermak Health Services Radiology Report dated April 25, 1991



CERMAK HEALTH SERVICES
2800 South California Avenue
Chicago, Illinois 60608

RADIOLOGY DEPARTMENT

X-RAY EXAMINATION REQUEST AND REPORT

If Known HIV Positive or High Risk Indicate So: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Isolation TB etc. none	Allergy To: PCN seafood	STAT Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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Patient's Name (Print) Reed, Gerald	(M) F	D.O.B. 12/22/63	Age	CCDOC # 9048872	Location 6Q2
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X-Ray Exams Requested:	1. X-ray of (R) hip and femur	Requesting Physician's Name Alex Sanchez MD
	2.	Date 4/28/91
	3.	

2821	Brief Clinical History, Findings, Provisional Diagnosis Any specific questions to be answered. S/P ORIF of (R) hip 20 to 65N in 1984. No pain and stiffness of hip. Please evaluate for any changes.
------	--

Date and Time of Exam:

Preliminary Reading	Normal <input type="checkbox"/> Abnormal <input type="checkbox"/>	Read By:	Date:
CCH Pre-admission:			
Referral Specialty (Specific Clinic):			
Hold For:	ENT <input type="checkbox"/> Ortho <input checked="" type="checkbox"/> Surgery <input type="checkbox"/> GU <input type="checkbox"/> TB <input type="checkbox"/> ER <input type="checkbox"/>		

Radiology Report

Right femur including hip joint..

Examination shows gunshot wound fracture of the distal 3rd of the right femur with fragments fixed with metallic rod. The distal end of the metallic rod is broken and 2 orthopedic screws appear to be loose. The distal 3rd of the femur is significantly deformed as a result of a callus formation. However, there are also metallic multiple densities noted in the soft tissue and within the bones indicating impacted and retained bullet fragments. The proximal part of the femur is essentially within normal limits.

IMPRESSION: OLD HEALED GUNSHOT WOUND FRACTURE OF THE DISTAL 3RD OF THE RIGHT FEMUR WITH FRAGMENTS IN SATISFACTORY ALIGNMENT AND MULTIPLE RETAINED AND IMPACTED BULLET FRAGMENTS. THE ORTHOPEDIC FIXATING ROD IS BROKEN AS DESCRIBED.

Plan and Technical Comments

EXHIBIT C:

Gerald Reed's Statement

STATEMENT OF

Gerald Reed

Taken 10-4-90 At 8:26pm

At Area 3 Violent Crimes

Present Asst. Frank DiFranco

Det. Mike Kill

This statement taken regarding the Shooting deaths
of Pamela Powers and
Willie Williams which occurred on 10-1-90 to 10-2-90
at 6827 1/2 S. Perry - Chgo IL.

I understand I have the right to remain silent and that anything I say can be used against me in a court of law. I understand that I have the right to talk to a lawyer and have him present with me during questioning, and if I cannot afford to hire a lawyer one will be appointed by the court to represent me before any questioning. Understanding these rights, I wish to give a statement.

Gerald Reed

After being advised of his Constitutional Rights and stating that he understood each of those rights and stating that he understood that Frank DiFranco is an Assistant States Attorney, a lawyer working with the police and not his lawyer, Gerald Reed agreed to give the following statement in summary.

Gerald Reed stated that he is 26 years old and known by the nickname "Montey". David Turner is Gerald's best friend and partner. Gerald and David have committed two armed robberies prior to 10-90 and both times used David's 357 Magnum handgun which

Mr. Kill #4123 Reed Gerald

Frank DiFranco Asst

they kept at Lillie Bell's apartment in the closet. Lillie Bell is also known as "Boosie" and is David's good friend.

On October 1, 1990 in the evening Gerald, David, Lillie and Mia Grover were at Pamela Powers's apartment drinking. Pamela lives at 6827 1/2 S. Perry Chy. Pamela said that she had a friend who was coming over to give her money and that everyone would have to leave. A short time later a man named Willie Williams came to Pamela's apartment. Pamela asked Willie for some money and Gerald saw Willie pull a roll of money from his front pocket and walk toward the kitchen where Pamela was.

Everyone but Willie then left Pamela's apartment and went to "Boosie's" apartment to drink and party. After partying for a while Pamela pulled me aside and asked me to go get her some cocaine. Gerald stated he would and Pamela gave him \$10.00 for the cocaine and \$5.00 for himself. Pamela then states she was going to get more money from the old man across the street, Willie, and then leaves. Gerald and David then go to buy some cocaine and night-train ^{to} ~~an~~ ^{alcoholic} beverage.

David tells Gerald that he is upset about his son and wants to get an Uzi and kill ~~every~~ ^{to} everybody in his son's mother's family. David then states he wants to rob the old man, Willie.

Frank Di'James HSA

Recd, Gerald
M. Hill #4125

who was at Pamela's apartment, Gerald said he doesn't have that much money and wanted to rob a drug dealer instead. David wanted to rob the old man because he didn't have a gun.

David went to Pamela's apartment and Gerald ^{was} ~~was~~ to stay at Boosie's apartment and make sure Boosie did not follow David and get involved in the robbery. Once Gerald was sure that Boosie was not going to follow David, Gerald went to Pamela's to help there. When Gerald got to Pamela's the door was open and he went in. Gerald then saw Pamela on the couch and David looking through Willie's pants pockets. Willie then came out of the bathroom in his underwear and asked David what he was doing with his pants.

David then pulled the gun from his waistband and shot Willie, knocking him back in the bathroom. David then pointed the gun at Pamela and yelled where is the money. Gerald then pushed the gun aside and yelled at Pamela, "tell us where the money is", "...tell us where the money is" while Gerald was trying to find out where the money was from Pamela. David said, "I shot him, I might

Irland DiFranco ASH

Reed Gerald
M. 260 #4123

as well kill this motherfucker. David then kicked open the bathroom door which Willie had slammed behind him after he was shot. The door knocked Willie back over the toilet. David yelled where's the money and when Willie did not answer he shot him again.

Gerald realizing that he would be in trouble if found with the dead man and knowing that he could find out about the money somewhere else, took Pamela across the street to Boosie's apartment. At Boosie's apartment David met up with Gerald and Pamela. David again asked, "where is the money." David wanted to kill Pamela in Boosie's apartment ~~and for~~ but Gerald knew there were too many people around and stated, "wait I'll get my car." David said we don't need no motherfuckin car we'll take her over to Kennedy-King and kill her there.

Gerald agreed to walk Pamela over to Kennedy-King and left Boosie's apartment. As they were walking Pamela broke and ran to Kennedy-King. Gerald then walked to a gas station by Kennedy-King and when the police arrived told them where to go.

Quall Reed
M. 7/11/83 #4123

Frank DiFrancesco ASP

Gerald then went back to David's house where they met Boosie. David said to Boosie that he had just killed ^{the} ~~his~~ girlfriend. David and Gerald then went upstairs in David's house where they went to sleep.

Gerald states that he was treated well by the police and by the Assistant States Attorney. He was not made any promises in return for his statement nor was he threatened in anyway. Gerald was given food and water and allowed to use the bathroom. Gerald is making this statement because it is the truth.

Gerald knows how to read and write and graduated Carver High school.

Gerald Reed
M. Zell #4125
Frank DiFranco ASA

EXHIBIT D:

Article from Chicago Tribune on July 20, 2006 reporting remarks
by Special State's Attorney's on July 19, 2006

Chicago Tribune

Medical Malpractice Free case review by a lawyer who is also a doctor. Chicago and suburbs chhlaw.com
 Illinois Probate lawyer Over 30 years experience in probate administration and litigation www.chicagoprobate.com
 IL Grandparent Visitation Learn about Grandparent Visitation from the attorney who wrote the law www.gokbarr.com AdChoices ▶

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Change of Subject

OBSERVATIONS, REPORTS, TIPS, REFERRALS AND TIRADES

BY ERIC ZORN | E-mail | About | RSS

Thursday, July 20, 2006

The final word on cop torture lacks outrage



Share |

Dude, where's my adjectives?

Where's my "appalling"? My "unconscionable"? My "malignant"? My "degrading and offensive"?

For \$6 million, I expected a far more vigorous use of the thesaurus than I heard during news conference Wednesday morning at which special prosecutors presented the results (pdf) of a four-year investigation into allegations that Chicago police tortured suspects from the mid 1970s to the early 1990s.

Instead, the most memorable fragment of rhetoric from the event was chief deputy special state's attorney Robert Boyle's declaration, "We reflect in the report on what we believe was a bit of a slippage in the (Cook County) State's Attorney's Office at the time of the (Andrew) Wilson case."

Wilson killed two police officers in 1982 and was sadistically worked over during interrogations by an Area 2 police crew led by the now infamous Cmdr. Jon Burge. That beating ultimately proved a window into numerous others incidents, but information about it was brushed off at the time by then States Atty. and now Chicago Mayor Richard M. Daley.

A bit of slippage?

Yes. "We regretfully must say that we think that there was a bit of a slide in the State's Attorney's Office at that time," said Boyle, 69, who was an assistant Cook County state's attorney in the 1960s. "(We realized) full well the uncomfortable position that we would have felt if we were trying to make some judgments relative to procedures followed at the time of, and subsequent to, the questioning of someone who had, in cold blood, killed two young police officers... But I'm not going to do a harangue about it."

A brief harangue would have been nice, actually.

Some indignation. A bit of thunder about violations of the finest traditions of American justice.

Boyle and chief special prosecutor Edward Egan, 83, a former Appellate Court judge who was also a county prosecutor, led a team that spent nearly \$6.2 million, interviewed more than 700 witnesses and found credible allegations that 75 suspects were abused by Chicago Police as part of an "ongoing" practice. They put together the most exhaustive and now final word on a pattern of misbehavior that created a scandal that tarnished local law enforcement worldwide.

And yet they somehow managed to make their presentation boring. In language and in tone, they sounded like a couple of Justice Department bureaucrats laying out a tax-fraud case.

"When you look at the conclusion it should be clear to you that we, as an office, have made the judgment that, at Area 2 and 3 starting in the mid '70s and into the very early '90s, that there was physical violence on parties in custody who were being questioned," Boyle intoned.

He did not use the word "torture" until the Q. & A. period following extended introductory remarks, when WLS Ch. 7 reporter Charles Thomas goaded him into it.

No one used the D-word—"disgrace"—until 80 minutes into the 90 minute news conference when the Tribune's Carlos Sadoval asked for an assessment of the legacy of Jon Burge, who was fired in 1993 and now lives in Florida.

"A disgrace," Boyle said. "Anybody who thinks that it's necessary to solve crime by abusing people to get confessions from them is a disgrace. And I think most policemen would agree with that."

The report is thorough and appropriately cautious about what can and can't be known for sure about events that happened long ago. It's persuasive in explaining why the statute of limitations "regrettably" prevents the state from indicting anyone.

But it fails as an effort to "put this to rest," as Boyle said the report had done. Without the language of anger, regret and even shame to surround the voluminous facts, the stain remains.

"That's not my way," Boyle said afterwards when I asked why he and Egan had so pointedly refused to use such words as "systemic" to describe the police misconduct. "Maybe I'm not a good actor. My job is not to be passionate. My job is to follow a court order. I'm not a politician. I'm not up here to sway anyone. I said that people didn't do their jobs. Maybe if I'd had a little more passion and played some organ music behind me I would have been more effective."

Nah. But a sad song on a violin might have helped.

LINKS FROM THE TRIBUNE:

Report: Suspects tortured -- Fired Chicago police commander Jon Burge and others tortured suspects, but can't be prosecuted.
 • What was Daley's role?

EXHIBIT E:

TIRC database of abuse allegations against Detective Michael Kill

Kill, Michael

Victim	Date	Allegations	Source
Manuel Bobe: Gray's codefendant	1986	Hit in chest w/fist, hit in face; threatened w/gun at his neck, saying "What do you want me to do; what you did at the party?"	People v. Bobe, 227 Ill.App.3d 681 (1 st Dist. 1992)
Jason Gray: Bobe's codefendant	1986	15 year old grabbed by the collar and thrown to the ground; beaten about the body; threatened	People v. Gray, 247 Ill.App.3d 133 (1 st Dist. 1993); Amended Petition for Post-Conviction Relief in 86CR15796
Johnny Walker	1987	Kicked in the groin; unknown detective punched in the face, hit on left shoulder with a phone book	Kill Deposition in 93C0199 (N.D. Ill.); Special State's Attorney's Case Summary
Frank Bounds (deceased)	1987	Hit in the forehead; attempted kick in the groin	People v. Bounds, 171 Ill.2d 1 (1995)
Ronald Kitchen: exonerated in 2009	1988	Slapped and kicked in the ribs; beaten w/a phone book; punched; struck in back and on the groin w/a night stick, knee and fist	Amended Post-Conviction Petition; People v. Kitchen, 159 Ill.3d 1 (1994); Special State's Attorney's Case Summary
James Coston	1988	Struck in jaw; grabbed around neck; pushed into the wall	Deposition of Kill in Wiggins v. Burge, 93C0199 (N.D.Ill.)
Anthony Robinson	1988	Repeatedly kicked and slapped in face and body; threatened	People v. Robinson, 238 Ill.App.3d 48 (1 st Dist. 1992)
Eric Wilson	1988	Hit in the head and chest; kicked in the groin; hit w/small lead bat	Special State's Attorney's Case Summary
Alnoraindus Burton	1989	Beaten w/a steel pipe; slapped, kicked, and punched; grabbed around the neck; threatened family and himself; kicked in the groin	Complaint in 92C1544 (N.D.Ill.); TIRC Claim Form
Mark Craighead	1989	Beaten about body; deprived of food and water	OPS C.R. # 166416
Anthony Lash	1989	16 year old's head pushed into the wall	People v. Lash, 252 Ill.App.3d 239 (1 st Dist. 1993)

Demand Weston: related to DeWayne Macklin case	1990	Slapped; choked; called a "liar"	Special Prosecutor's Case Summary; People v. Weston, 271 Ill.App.3d 604 (1 st Dist. 1995)
Dwayne Macklin: related to Demand Weston case	1990	Physically beaten and slapped; yelled at and threatened	Special State's Attorney's Case Summary
Gerald Reed	1990	Threatened, kicked and beaten; steel rod in leg broken	TIIRC Claim Form
Marcus Wiggins	1991	Shocked; beaten; 13 year old denied access to mother	OPS C.R. #193591; Complaint in 93C0199 (N.D.Ill.)
George Ellis Anderson	1991	Beaten repeatedly	TIIRC Claim Form
Anthony Jakes	1991	Slapped in face; dropped to floor and kicked; cut with something metallic; threatened to push him out of a window, burn him w/a cigarette, and have Latin Kings "do him a favor"	Testimony in 92CR5073; Affidavit in Support of Petition for Post-Conviction Relief
Johnnie Plummer	1992	15 year old hit in the face, stomach and side, including w/a flashlight; hair pulled; held for 30hrs; not given food	Complaint in 96C2049 (N.D.Ill.); testimony in Motion to Suppress in 91CR21451; People v. Plummer, 306 Ill.App.3d 574 (1 st Dist. 1999)
Harold Hill: codefendant of P. Williams and Young-exonerated in 2005	1992	16 year old physically abused	Complaint in 06C6772 (N.D.Ill.)
Anthony Williams	1992	Physically beaten	People v. Williams, 303 Ill.App.3d 33 (1 st Dist. 1999)
Peter Williams: codefendant of Hill and Young	1992	Beaten w/a blackjack; pistol stuck in in his mouth and trigger pulled; confessed to a crime he could not have done (incarcerated at the time)	Complaint in 06C6772 (N.D.Ill.)
Dan Young: codefendant of Hill and P. Williams-exonerated in 2005	1992	Beaten, including being kicked and struck; psychological threats; only 56 IQ	Complaint in 06C6772 (N.D.Ill.)

Adrian Thomas	1993	beaten behind ears; testicles squeezed; fingers bent; hit on ribs; stomped on toes and eyes gouged	TIRC Claim Form
DeShawn & Bobby Spencer	?	Head slammed against desk; slapped in face	Deposition of Kill in 93C0199 (N.D.III)

EXHIBIT F:

TIRC database of abuse allegations against Detective Victor Breska

Breska, Victor (2043/5325)

Victim	Date	Allegations	Source
Eric Johnson: released in 2011 after pleading guilty to lesser charges in return for time-served	1989	Struck on face; knocked to ground; kicked in stomach, chest and face	TIRC Claim Form
Gerald Reed	1990	Threatened, kicked and beaten	TIRC Claim Form

EXHIBIT G:

Affidavit of Eric Johnson dated March 28, 2006

STATE OF ILLINOIS)

) SS

COUNTY OF RANDOLPH)

Re: People v. Johnson, No. AFFIDAVIT #1
90 CR 8212-02

I, Eric Johnson, do here by declare and affirm that the following information within this AFFIDAVIT is true and correct in substance and in facts:

ON December 29th 1989 at 8pm Eric Johnson (Johnson) was arrested by Det Palandino and Maslanka regarding a bond Forfeiture Warrant.

ONCE at the station (39th & California) Area 3, Palandino and Maslanka began questioning Johnson about a murder that happen between 58th May st and Aberdeen when Johnson denied knowledge and provided his family as an Alibi. Det. Palandino slapped Johnson on the right side of the face with an open hand (left) saying "Nigga your lying." Johnson told Palandino and Maslanka he didn't know about the murder, he just heard about it.

10F8

Det. Maslanka then kicked Johnson in the chest out the chair. While Johnson was handcuffed to the Ring on the wall Maslanka then snatch Johnson up and placed him back in the chair. Maslanka then told Johnson, "tell us about the murder because we got the Gibson guy saying you know you both participated."

Neither Detective Palandino or Maslanka advised Johnson of his Miranda Rights. Neither Palandino or Maslanka offered or gave Johnson a phone call. Both Palandino and Maslanka continue to beat Johnson, hitting him several times ~~to many~~ to count. They ^{kept} asking questions about the murder. Johnson continued to tell Det. Palandino and Det. Maslanka he did not know anything he was at home & sleep.

Detectives Palandino and Maslanka continued to question Johnson from 8:45 P.M. of Dec 29th to 11 A.M. Dec. 30th (about 15 hr) at which time Det. McCann brought Gibson to the door of the room Johnson was in, and Gibson said yes that's him he gave him (meaning Webb) the gun. Det. McCann then return Ed, and told Johnson that Gibson said "he'd paid you (Johnson) to keep it on the low."

ON Dec 30/89 Det. BRESKA and RUSNAK INTERVIEW ME TWO TIME THAT DAY they started the INTERVIEW OFF BY ASKING ME WHAT HAPPEN ON Dec 22/89 I told Det. V. BRESKA and Det. J. RUSNAK I WAS AT HOME A sleep. ON December 22/89 and TO GO ASK MY FAMILY AND FRIEND CADONNA, EVANS they KNOW I WAS IN THE House A sleep And that's when Det. V. BRESKA PUNCH ME IN the Ribs ON MY Left Side, And SLAP ME IN the Face (Right) Side And said IM tied of hearing this shit you ARE LYING TO US WE talk TO YOUR FAMILY AND FRIEND CADONNA EVANS And they told us they dont know WERE you WAS AT that DAY NOW TELL us the Fucking truth Because we know what happen out there and that when Det. V. BRESKA SLAP me IN the Face AGAIN why Det. J. RUSNAK kept SAYING you Going down Nigger FOR this shit So that's when I ASK Det. BRESKA and Det. RUSNAK CAN I call my Mother they said NO you cant call Nobody INTO you tell us the Fucking TRUTH Nigger, and I told Det. BRESKA and Det. RUSNAK I dont want to talk TO them NO MORE And that's when Det. BRESKA started HOLLARING at me SAYING Nigger your ASS Going DOWN FOR this shit and that's when they Left the INTERVIEW ROOM...

NOW MY Second INTERVIEW With these Det. BRESKA and RUSNAK come a Few Hours Later When they came BACK IN the INTERVIEW ROOM I ASK Det. BRESKA AND Det. RUSNAK FOR some WATER and to used the WASH ROOM and something TO EAT, And they said When WE get threw, They NEVER Got ME something TO EAT OR Let ME used the

WASH Room The second INTERVIEW started
Like the First one SAYING TELL us what
HAPPEN I told these Det. AGAIN I WAS
AT HOME A Sleep AND I dont KNOW what
HAPPEN I Just Heard About It, because
It's all on the street's that Gibson done
It, And this Second INTERVIEW TOOK PLACE
FOR A Hour OR MAYBE TWO SAYING They dont
think Im TELLING them THE truth And
Before the Second INTERVIEW WAS over
Det BRESKA Nit ME In the chest And
they Told ME Mother Fucker You Going
down For this shot And they Left the
Room And I did not See them OFFICER'S
BRESKA AND RUSNICK NO MORE,

Det. Caesar and McCann, both took Johnson to 11th and state, because Gibson said (Johnson) was involved and Johnson denied involvement, McCann told Johnson he was going to take a polygraph test. Johnson, refused to consent to the test. Det. McCann punched Johnson in the stomach and said Nigger you taking a polygraph test Det Caesar was present McCann snatched (Johnson) and led Johnson in the test room.

After the test the examiner told Johnson "you passed the test but the only question you failed was whether you knew something about it." Johnson told the examiner "OVER YEAH EVERYBODY KNOW IT HAPPEN IT'S ALL OVER THE STREET."

Det. McCann, told Johnson, we have nothing on you from this (test results) but releasing you was not that simple, he had a statement from Gibson saying Johnson gave Webb the murder weapon and was watching out for Webb AS HE WENT TO GO ROB MR Lloyd BENJAMIN A INSURANCE MAN, so he has a witness, since (he) Det. McCann knew now that Gibson was lying, and Johnson was not involved, all he (McCann) needed was for Johnson to

was give a statement Regarding what Johnson said the word was in the neighborhood, "that Gibson had done a stick up murder between May and Aberdeen and he (Det. McCann) would release Johnson,

Once back at Area 3, Det. McCann in the presence of Cedar told Johnson he was going to let the Assist. State's Attorney meet him that he (McCann) needed Johnson to say that he (Johnson) was with Gibson who shot Mr Lloyd Benjamin when Johnson denied involvement Det. McCann said you would have to be with Gibson to be a witness" When Johnson said NO, Det. McCann Slapped Johnson on the left side of his face and grabbed Johnson to choke him threatening to send Johnson down with Gibson cursing at Johnson in a loud intimidating voice Johnson said Alright man. Johnson was taken to a room where A.S.A LINDA, Peters (Female) who told Johnson she was a state-attorney Johnson told the Assist State Attorney, they beaten on me trying to make me sign a statement."

JOHN BYRNE (Sgt) that appeared to be in charge, told Det McCann and Det. Ceasar you get him out of here. "McCann and Ceasar took Johnson to a room with the Sgt. and he showed me a gun that look like a 9mm. gun and asked me, is this like the gun and he started to threaten me by saying these detectives (McCann and Ceasar) going to take you (Johnson) back stop fucking telling them you was at home sleep and tell them you had something to do with this shit Nigger. Now get his ass out of here Johnson was put in a room until another Det. Moser came.

Det Moser told Johnson we got Gibson saying all we need to know, we just need you as a witness, and you go home because we got nothing on you, we're going to charge Gibson ass and your statement will make you a witness like Webb on Gibson.

Afterwards, I saw another Assist. State's Attorney a man Ricardo, called State's Attorney came in with a statement already wrote up, saying "I Need you to sign your Name here and there and initials, on the statement."

that I Never Read And you can
be Finished,

I Signed And Initial the
Statement as in strucked because
I was tired of being beaten on
tired from no sleep And I Wanted
to go home,

Detectives Referred to by last-NAME
Pertinent, are Anthony Mastanka #16161
John Palandino #9938, John McCann #
8137, William Moser #5056,
John, Byrne #1454, V. Breska #5362, J. Rusnak #11162
Pursuant to 28 U.S.C. 1746, 1845C
1621 OR 735 ILCs 5/1-109, I
declare under penalty of
perjury, that everything contained
herein is true and accurate to
the best of my knowledge and
belief I do declare and affirm
that the matter at hand is not
taken either frivolously or maliciously
and that I believe the foregoing
matter is taken in good faith

Signed on this 28 day of
March, 2006

Eric Johnson

Affiant